

### **REMARKS**

The present Response is responsive to the final Office Action mailed June 11, 2008. Claims 1-30 and 40-82 were previously withdrawn from consideration by earlier response to a restriction requirement. Claims 31-39 are currently under examination and have been rejected by the present Office Action. By the present Response, independent claim 31 has been amended to clarify that different scoring models are selectively utilized to assess and re-assess risk determination. Dependent claims 33 and 36 have been amended accordingly. The amendments are believed to be fully supported by the Applicant's specification. After entry of the present amendment, Claims 31-39 remain pending in the application. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 31-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,679,940 to Templeton et al. (henceforth, "*Templeton*") in view of U.S. Patent Publication No. 2002/0116323 A1 to Schnall (henceforth, "*Schnall*") as applied in the previous Office Action.

The present Office Action states that: "Templeton discloses a second scoring model that is different than a first scoring model that is invoked and or selected (see figures 6-10 and col 29)." Attorney for the Assignee respectfully submits that *Templeton* discloses only a **single** risk scoring model that scores risk based on predetermined input, and that only **one** model or algorithm is utilized for performing risk scoring. For example, the *Templeton* abstract states: "The host computer applies a risk scoring algorithm to the data to determine whether the transaction should be approved, declined, or whether additional information is needed." Furthermore, "The authorization host computer then receives a second transaction packet that includes the additional information, and applies the risk scoring algorithm to at least a portion of the additional information, which results in a second transaction score." *Templeton* col. 5, lines 23-28 (emphasis added). "The scoring algorithm is designed to consider a predetermined group of the available variables and apply predetermined weights to those variables in order to assess the risk associated with the check." *Templeton* col. 19, lines 11-15 (emphasis added).

*Templeton* Figure 8a, col. 29, lines 12-19 further confirms that there is a single scoring algorithm, for example: “At step 540, the transaction is scored by the risk scoring algorithm implemented on the authorization host computer. If no positive data was found in the positive file, the risk scoring algorithm uses the data in the transaction packet and other known variables such as time of day, etc. If positive data was found in the positive file, the risk scoring algorithm uses the positive file data, along with the data in the transaction packet and other known variables.” Finally, in *Templeton* col. 29 (as cited in the present Office Action), lines 63-65 further indicates that there is no disclosure of a first or second scoring model because the scoring is simply processed again: “The authorization host computer then re-processes the transaction using all of the available information.” (Emphasis added). Therefore, if the transaction information remained unchanged between the first and subsequent risk scoring processes, the risk score, using the method of *Templeton* would remain unchanged.

In contrast, the claimed invention of amended claim 31 includes the elements “selectively determining with a first scoring model a first risk score for a financial transaction; and selectively determining based at least in part on the first risk score, whether to determine a second risk score with a second scoring model that is different than the first scoring model.” Unlike *Templeton*, the claimed invention of claim 31 can selectively determine at least two different risk scores, even with similar or identical input transaction information, by utilizing the different risk scoring models. Applicant’s Figures 1, 2, 3, 4, and 6, and specification (p. 13, last paragraph) fully support selectively determining at least two different risk scores as well as the use of multiple risk models: “The risk scoring engine 154 comprises a plurality of scoring models 172a,b,c, etc., with each engine adapted to address a plurality of possible specific transactions so as to permit improved accuracy in determining the risk score.”

The present Office Action references a prior non-final Office Action (mailed Oct. 10, 2006) in rejecting claims 31-39 under 35 U.S.C. 103(a). In the prior Office action, claims 1-82 were rejected as being unpatentable over *Templeton* in view of *Schnall*. The prior Office Action stated that *Templeton* does not disclose the positive/negative ranges, but that *Schnall* (paragraph 0026) discloses a credit score number range. *Schnall* does not appear to teach or suggest any ranges for scoring, nor does it appear to teach or suggest any positive or negative scores. In contrast to the Applicant’s claimed invention, *Schnall* states: “This loan information can be


stored as raw credit and loan information within loan database 220 and/or may include a point-score credit rating system used by the credit reporting industries such as Fair Issac (FICO).” (Emphasis added).

For at least the above reasons, the cited references do not disclose or suggest each and every element of the amended independent claim 31, and therefore, this claim should be allowable over the cited references. Dependent claims 32-39 are each ultimately dependent from amended claim 31. If independent claim 31 is allowable over the cited references, then the underlying dependent claims should also be allowable.

**CONCLUSION**

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029. If the Examiner believes a telephone conversation would facilitate the examination of this application, Applicants invite the Examiner to call the Attorney below at any time.

Respectfully submitted,

  
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